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June 10, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York ("City"), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, and Inspector Jesse Lance (collectively "defendants") in the above-referenced matter. Pursuant to Your Honor's Order, dated April 11, 2023, Defendants were directed to provide to Plaintiff CCRB files "relating to the same date and location" as Plaintiff's arrest. Defendants have finalized their review of the CCRB files currently in our possession and write to inform the Court as to which responsive CCRB materials Defendants have provided to Plaintiff. Additionally, now that the undersigned has had an opportunity to review all of the CCRB files that it received, I write to correct the record to clarify that while we received 18 CCRB files related to arrests stemming from protests in Brooklyn on or about June 4, 2020, not all of those files relate to arrests made on the same date and at the same location of Plaintiff's arrest.

By way of background, by letters dated May 1, 2023 and May 19, 2023, Defendants had informed the Court that our Office was in possession of 17 CCRB investigation files (in addition to the file for Plaintiff's arrest) for protest related arrests that occurred on June 4, 2020. I write to correct that statement because, in actuality, those 17 CCRB investigation files relate to protest related arrests from June 4, 2020 and June 5, 2020 in Brooklyn. By way of background, in an

effort to comply with the Court's April 11, 2023 Order, our Office requested CCRB to identify those investigations that related to the protest that occurred on June 4, 2020, between 8:00 p.m. and 11:00 p.m., in the vicinity of Washington Avenue, between Fulton Street and Atlantic Avenue, where Plaintiff was arrested. In response to this request, CCRB indicated that there were a total of 3 cases associated with this protest¹. Subsequently, in an abundance of caution, I also requested CCRB to provide the CCRB files related to any other complaints arising from protests in Brooklyn on June 4, 2020 and June 5, 2020 in order to confirm that none of those complaints were from the "same date and location" as Plaintiff's arrest.

In response, and in addition to the complaint regarding Plaintiff's arrest and the two others identified above that were from the same date and location of Plaintiff's arrest, CCRB identified an additional 15 complaints regarding arrests stemming from protests in Brooklyn on June 4, 2020 and June 5, 2020. Now having finalized review of all 18 CCRB files in our possession, Defendants write to inform the Court that it is confirmed that the 15 additional complaints identified by CCRB did not stem from protests that occurred at the same location of Plaintiff's arrest.² Accordingly, Plaintiff was provided a copy of the two additional CCRB files from protest related arrests which occurred on June 4, 2020 at the same location of Plaintiff's arrest. In addition, Plaintiff was also provided the 13 IAB/NYPD files previously identified in Defendants' May 1, 2023 letter.

For the Court's convenience, provided below is a table delineating the dates and locations for the protest related arrests of the 15 CCRB files referenced above that the undersigned reviewed and is not producing to Plaintiff. As Your Honor can glean from the table below, none of the remaining CCRB files relate to the "same date and location" as Plaintiff's arrest, which occurred specifically at the intersection of Washington Avenue and Fulton Street, within the confines of the 88 Precinct. As such, and unless ordered to do otherwise, Defendants have limited their production to only those CCRB investigation files that related to the "same date and location" as Plaintiff's arrest.


CCRB Case No.	Pct.	Date/time of incident	Incident Location
1	90 th	6/4/2020 at 9:00pm	Wythe Avenue and Penn Street; Marcy Avenue and Flushing Avenue
2	90 th	6/4/2020 at 9:19pm and 9:20pm	Wythe Avenue and Penn Street
3	90 th	6/4/2020 at 9:15 pm and 9:30pm	Wythe Avenue and Penn Street

¹ The third case is the CCRB file associated with Plaintiff's arrest which was previously produced to Plaintiff on January 23, 2023.

² Plaintiff was arrested near the intersection of Washington Avenue and Fulton Street, in the confines of the 88th precinct, at approximately 10:12 p.m.

4	71 st	6/4/2020 at 11:20pm	320 Eastern Parkway
5	90 th	6/4/2020 at 9:30pm	Wythe Avenue and Penn Street
6	71 st	6/4/2020 at 11:51pm	821 Franklin Avenue
7	90 th	6/4/2020 at 9:30pm	Wythe Avenue and Penn Street
8	90 th	6/4/2020 at 9:15pm	66 Penn Street
9	84 th	6/4/2020 at 7:24pm	Johnson Street and Gold Street
10	90 th	6/4/2020 at 9:15pm	Wythe Avenue and Penn Street
11	90 th	6/4/2020 at 8:45pm	Unknown location in Williamsburg

12	78 th	6/5/2020 at 9:00pm	Grand Army Plaza
13	71 st	6/5/2020 at 10:00pm	Nostrand Avenue between Carroll Street and Crown Street
14	90 th	6/5/2020 at 9:30pm	Union Avenue and Grand Street
15	71 st	6/5/2020 at 10:00pm	Nostrand Avenue between Carroll Street and Crown Street

By: /s/ 
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cc: **By ECF**

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